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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:

DAVID EARL BROWN

Debtor.

Case No. 11-27489-C-7

DCN: SMD - 1

DATE: July 12, 2011

TIME: 9:30 a.m.

LOCATION: 501 I Street, 6th Floor
Department C
Courtroom 35 (6th Floor)
Sacramento, CA 95814

MOTION TO APPROVE SALE OF PROPERTY OF THE ESTATE
(11 U.S.C. §363)

SUSAN DIDRIKSEN ("Trustee") hereby moves for approval of the sale of the estate's ownership interest in the following:

- 60% ownership in Benchmark Land Use Group, Inc. for \$32,000; and
- 2004 Lexus RX330 for \$10,000 (excluding the amount exempted of \$2,250).

in an "as in" condition to the Debtor payable in eight monthly installments of \$5,250 beginning July 1, 2011. The transaction is subject to overbidding. In support of the motion, Trustee respectfully represents the following:

1. This case was commenced by the filing of a voluntary Chapter 7 petition on March 25, 2011.

Trustee is the duly appointed trustee for the Debtor's estate.

1 2. The Debtor filed Schedule B on or about March 25, 2011, and disclosed personal property
2 described as follows:

- 3 • “60% ownership in Benchmark Land Use Group, Inc”

4 (hereinafter referred to as the “Business Interest”), having a disclosed market value of \$20,340.

- 5 • “2004 Lexus RX330”

6 (hereinafter referred to as the “Motor Vehicle”), having a disclosed market value of \$19,000.

7 3. The Debtor’s Schedule C filed on or about March 25, 2011, claimed no monetary exemptions
8 pertaining to the Business Interest.

9 4. The Debtor’s Schedule C filed on or about March 25, 2011, exempted \$2,550 of the Motor
10 Vehicle under California Code of Civil Procedure Section 704.010 pertaining to the Motor
11 Vehicle.

12 5. The Debtors’ Schedule D filed on or about March 25, 2011, disclosed no indebtedness nor
13 obligations secured by the Business Interest or Motor Vehicle.

14 6. The Debtor, via his attorney, Thomas Tengan, has presented an offer in the amount of
15 \$32,000 to purchase the aforementioned Business Interest and \$10,000 to purchase the
16 aforementioned Motor Vehicle in an “as-is” condition from the Bankruptcy Estate.

17 7. The payment will be made in eight monthly installments, in the amount of \$5,250, due on the
18 first of each month in the form of Cashier’s Check to the undersigned Trustee for the
19 purchase of the Business Interest and Motor Vehicle.
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21 8. At the Court hearing, the Trustee will request that the Court solicits overbids. The Trustee
22 further requests that overbids, if any, be submitted in minimum increments of \$500.00 from
23 qualified bidders who must contact the Trustee at least twenty-four hours prior to this
24 hearing.
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9. The undersigned Trustee believes that the immediate liquidation of the Subject Personal Property is in the best interest of the Bankruptcy Estate. This proposed sale would also alleviate the typical costs incurred with the sale of vehicles (i.e. smog check and smog certificate, auctioneer's commission, repairs, etc.) and any sales commission attendant to a sale. Therefore, the Trustee requests the approval from this Court to sell the aforementioned Business Interest and Motor Vehicle to the Debtor for the amounts of \$32,000, and \$10,000, respectively, subject to any overbids tendered at the Court hearing.

WHEREFORE, Trustee prays that the motion be granted, and for such other and further relief as is necessary and proper.

Respectfully submitted,

Dated: June 13, 2011

/s/ Susan M. Didriksen
Susan M. Didriksen, Chapter 7 Trustee